

1 IN THE UNITED STATES DISTRICT COURT

2 IN AND FOR THE DISTRICT OF DELAWARE

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4 EDWARDS LIFESCIENCES AG and : Civil Action

EDWARDS LIFESCIENCES LLC, :

5 :

Plaintiffs, :

6 :

v. :

7 :

COREVALVE, INC., :

8 :

Defendant. : No. 08-91 (GMS)

9 - - -

10 Wilmington, Delaware

11 Thursday, April 1, 2010

4:40 p.m.

12 Day 8 of Trial

13 VERDICT

14 - - -

15 BEFORE: HONORABLE GREGORY M. SLEET, Chief Judge,
and a Jury

16 APPEARANCES:

17 JACK B. BLUMENFELD, ESQ.

Morris, Nichols, Arsht & Tunnell LLP

18 -and-

19 JOHN E. NATHAN, ESQ.,

CATHERINE NYARADY, ESQ.,

BRIAN EGAN, ESQ., and

20 KRIPA RAMAN, ESQ.

Paul, Weiss, Rifkind, Wharton & Garrison LLP

21 (New York, N.Y.)

22 Counsel for Plaintiffs

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1 APPEARANCES CONTINUED:

2 JOHN W. SHAW, ESQ.
3 Young Conaway Stargatt & Taylor LLP

4 -and-

5 ROBERT A. VAN NEST, ESQ.,
6 BRIAN FERRALL, ESQ., and
7 KAREN VOGEL WEIL, ESQ.

8 -and-

9 JOSEPH S. CIANFRANI, ESQ.
10 Knobbe Martens Olson & Bear LLP
11 (Irvine, CA)

12 Counsel for Defendant

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1 THE COURT: All right. Counsel, the jury has
2 reported they have a verdict.

3 Ms. Walker, will you bring in the jury, please.

4 If anyone has a flight you need to catch right
5 away, you can't wait around, that is fine.

6 (Jury enters courtroom at 4:41 p.m.)

7 THE COURT: Ladies and gentlemen of the jury,
8 please take your seats.

9 Who speaks for the jury?

10 Juror No. 2, would you rise and pass the verdict
11 form over to Ms. Walker so I may inspect it.

12 (Juror No. 2 passes verdict form to Chief Deputy
13 Clerk Walker.)

14 (Verdict form passed to Court.)

15 (Pause.)

16 (Form passed back to Chief Deputy Clerk Walker.)

17 THE COURT: Ladies and gentlemen, please listen
18 carefully now, as your verdict is about to be announced.
19 You may be polled by either or both parties to determine
20 whether this is your individual verdict at the conclusion of
21 the reading.

22 So listen carefully.

23 CHIEF DEPUTY CLERK WALKER: We, the jury, having
24 duly deliberated on the evidence presented by the parties,
25 on the issue of patent infringement: Has Edwards proven by

1 a preponderance of the evidence that the CoreValve
2 Generation 3 ReValving system literally infringes Claim 1 of
3 the '552 patent?

4 Yes.

5 On the issue of willful patent infringement:
6 Has Edwards proven by clear and convincing evidence that
7 CoreValve's infringement of Claim 1 of the '552 patent was
8 willful?

9 Yes.

10 On the issue of patent validity: Has CoreValve
11 proven by clear and convincing evidence that Claim 1 of the
12 '552 patent is invalid because it is not enabled?

13 No.

14 As to Edwards' damages, if you believe that
15 Edwards has proven by a preponderance of the evidence that
16 it is entitled to lost profits for a portion of CoreValve's
17 infringing sales, please enter the amount of lost profits.

18 And their answer is: \$72,645,555.

19 For those CoreValve infringing sales for which
20 you did not award Edwards lost profits, what is the amount
21 of the reasonable royalty to which Edwards is entitled?

22 \$1,284,861.

23 THE COURT: Thank you, Ms. Walker.

24 Ladies and gentlemen, the verdict form having
25 been read and announced into the record, let me inquire, is

1 that your unanimous verdict?

2 (Jury responds affirmatively.)

3 THE COURT: Does either party wish to have the
4 jury polled?

5 MR. VAN NEST: CoreValve would, Your Honor.

6 THE COURT: Ms. Walker, please.

7 CHIEF DEPUTY CLERK WALKER: Juror No. 1, after
8 having heard the verdict, is that your verdict?

9 JUROR NO. 1: Yes, it is.

10 CHIEF DEPUTY CLERK WALKER: Juror No. 2, is that
11 your verdict?

12 JUROR NO. 2: Yes.

13 CHIEF DEPUTY CLERK WALKER: Juror No. 3, is that
14 your verdict?

15 JUROR NO. 3: Yes.

16 CHIEF DEPUTY CLERK WALKER: Juror No. 4, is that
17 your verdict?

18 JUROR NO. 4: Yes.

19 CHIEF DEPUTY CLERK WALKER: Juror No. 5, is that
20 your verdict?

21 JUROR NO. 5: Yes.

22 CHIEF DEPUTY CLERK WALKER: Juror No. 6, is that
23 your verdict?

24 JUROR NO. 6: Yes.

25 CHIEF DEPUTY CLERK WALKER: Juror No. 7, is that

1 your verdict?

2 JUROR NO. 7: Yes.

3 CHIEF DEPUTY CLERK WALKER: Juror No. 8, is that
4 your verdict?

5 JUROR NO. 8: Yes.

6 THE COURT: The jury having polled, the Court
7 will direct that the verdict be recorded by our clerk.

8 Ladies and gentlemen, on behalf of the parties
9 and the Court, I wish to express our deepest gratitude. You
10 are hereby dismissed.

11 Thank you for your service.

12 (At 4:43 p.m. the jury was excused.)

13 THE COURT: Counsel, you may be seated.

14 I won't be long with the jury. In the interim,
15 you are invited to stay for a chat if you would like.

16 You might want to discuss the timing of
17 post-verdict briefing. Take some time, decompress.

18 I think you have preserved, for CoreValve's
19 purposes and for Edwards's purposes, those JMOL matters, I
20 think with sufficient specificity so that they are preserved
21 for review. But if you feel that you have not and need to
22 do anything else in the intervening ten days, please do so.

23 But, then, you can agree on a briefing schedule
24 that allows, obviously, some time -- the record has been
25 transcribed on a daily basis -- but for the record to be

1 **fully completed, and give your yourself a chance to**
2 **decompress.**

3 **(Trial concluded.)**

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6 **Reporters: Kevin Maurer and Brian P. Gaffigan**

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\$1,284,861 [1] - 1882:22 \$72,645,555 [1] - 1882:18	7 [2] - 1883:25, 1884:2		F	
'	8			FERRALL [1] - 1880:4 fine [1] - 1881:5 flight [1] - 1881:4 FOR [1] - 1879:2 form [4] - 1881:11, 1881:12, 1881:14, 1882:24 Form [1] - 1881:16 fully [1] - 1885:1
'552 [3] - 1882:3, 1882:7, 1882:12	8 [3] - 1879:12, 1884:3, 1884:5			
	A			
0	Action [1] - 1879:4 affirmatively [1] - 1883:2 AG [1] - 1879:4 agree [1] - 1884:23 allows [1] - 1884:24 amount [2] - 1882:17, 1882:20 AND [1] - 1879:2 announced [2] - 1881:18, 1882:25 answer [1] - 1882:18 APPEARANCES [2] - 1879:16, 1880:1 April [1] - 1879:11 Arsht [1] - 1879:17 award [1] - 1882:20			
08-91(GMS) [1] - 1879:8	B			G
1	basis [1] - 1884:25 Bear [1] - 1880:6 BEFORE [1] - 1879:14 behalf [1] - 1884:8 BLUMENFELD [1] - 1879:17 Brian [1] - 1885:6 BRIAN [2] - 1879:19, 1880:4 briefing [2] - 1884:17, 1884:23 bring [1] - 1881:3			Gaffigan [1] - 1885:6 Garrison [1] - 1879:20 Generation [1] - 1882:2 gentlemen [4] - 1881:7, 1881:17, 1882:24, 1884:8 gratitude [1] - 1884:9 GREGORY [1] - 1879:14
1 [6] - 1879:11, 1882:2, 1882:7, 1882:11, 1883:7, 1883:9	C			
2	CA [1] - 1880:6 carefully [2] - 1881:18, 1881:22 catch [1] - 1881:4 CATHERINE [1] - 1879:19 chance [1] - 1885:1 chat [1] - 1884:15 CHIEF [9] - 1881:23, 1883:7, 1883:10,			H
2 [4] - 1881:10, 1881:12, 1883:10, 1883:12 2010 [1] - 1879:11				heard [1] - 1883:8 hereby [1] - 1884:10 Honor [1] - 1883:5 HONORABLE [1] - 1879:14
3				I
3 [3] - 1882:2, 1883:13, 1883:15				IN [2] - 1879:1, 1879:2 INC [1] - 1879:7 individual [1] - 1881:20 infringement [3] - 1881:25, 1882:5, 1882:7 infringes [1] - 1882:2 infringing [2] - 1882:17, 1882:19 inquire [1] - 1882:25 inspect [1] - 1881:11 interim [1] - 1884:14 intervening [1] - 1884:22 invalid [1] - 1882:12 invited [1] - 1884:15 Irvine [1] - 1880:6 issue [3] - 1881:25, 1882:5, 1882:10
4				
4 [2] - 1883:16, 1883:18 4:40 [1] - 1879:11 4:41 [1] - 1881:6 4:43 [1] - 1884:12				
5				
5 [2] - 1883:19, 1883:21				
6				
6 [2] - 1883:22, 1883:24				
		D		
		daily [1] - 1884:25 damages [1] - 1882:14 days [1] - 1884:22	EDWARDS [2] - 1879:4, 1879:4 Edwards [5] - 1881:25, 1882:6, 1882:15, 1882:20, 1882:21 Edwards' [1] - 1882:14 Edwards's [1] - 1884:19 EGAN [1] - 1879:19 either [2] - 1881:19, 1883:3 enabled [1] - 1882:12 enter [1] - 1882:17 enters [1] - 1881:6 entitled [2] - 1882:16, 1882:21 ESQ [10] - 1879:17, 1879:18, 1879:19, 1879:19, 1879:20, 1880:2, 1880:3, 1880:4, 1880:4, 1880:5 evidence [5] - 1881:24, 1882:1, 1882:6, 1882:11, 1882:15 excused [1] - 1884:12	

J	might ^[1] - 1884:16 Morris ^[1] - 1879:17 MR ^[1] - 1883:5	preserved ^[2] - 1884:18, 1884:20 profits ^[3] - 1882:16, 1882:17, 1882:20 proven ^[4] - 1881:25, 1882:6, 1882:11, 1882:15 purposes ^[2] - 1884:19	1882:23, 1883:3, 1883:6, 1884:6, 1884:13 Thursday ^[1] - 1879:11 timing ^[1] - 1884:16 transcribed ^[1] - 1884:25 Trial ^[2] - 1879:12, 1885:3 Tunnell ^[1] - 1879:17	1884:9
JACK ^[1] - 1879:17 JMOL ^[1] - 1884:19 JOHN ^[1] - 1879:18 JOHN ^[1] - 1880:2 JOSEPH ^[1] - 1880:5 Judge ^[1] - 1879:14 JUROR ^[7] - 1883:9, 1883:12, 1883:15, 1883:18, 1883:21, 1883:24, 1884:5 JUROR ^[1] - 1884:2 Juror ^[10] - 1881:10, 1881:12, 1883:7, 1883:10, 1883:13, 1883:16, 1883:19, 1883:22, 1883:25, 1884:3 Jury ^[2] - 1879:15, 1883:2 jury ^[10] - 1881:1, 1881:3, 1881:6, 1881:7, 1881:9, 1881:23, 1883:4, 1884:6, 1884:12, 1884:14	N	R	U	Y
K	N.Y ^[1] - 1879:21 NATHAN ^[1] - 1879:18 need ^[2] - 1881:4, 1884:21 NEST ^[2] - 1880:3, 1883:5 New ^[1] - 1879:21 Nichols ^[1] - 1879:17 NO ^[8] - 1883:9, 1883:12, 1883:15, 1883:18, 1883:21, 1883:24, 1884:2, 1884:5 NYARADY ^[1] - 1879:19	RAMAN ^[1] - 1879:20 read ^[1] - 1882:25 reading ^[1] - 1881:21 reasonable ^[1] - 1882:21 record ^[3] - 1882:25, 1884:24, 1884:25 recorded ^[1] - 1884:7 reported ^[1] - 1881:2 Reporters ^[1] - 1885:6 responds ^[1] - 1883:2 ReValving ^[1] - 1882:2 review ^[1] - 1884:21 Rifkind ^[1] - 1879:20 rise ^[1] - 1881:10 ROBERT ^[1] - 1880:3 royalty ^[1] - 1882:21	unanimous ^[1] - 1883:1 UNITED ^[1] - 1879:1	York ^[1] - 1879:21 Young ^[1] - 1880:2 yourself ^[1] - 1885:1
KAREN ^[1] - 1880:4 Kevin ^[1] - 1885:6 Knobbe ^[1] - 1880:6 KRIPA ^[1] - 1879:20	O	S	V	
L	P	sales ^[2] - 1882:17, 1882:19 schedule ^[1] - 1884:23 seated ^[1] - 1884:13 seats ^[1] - 1881:8 service ^[1] - 1884:11 SHAW ^[1] - 1880:2 SLEET ^[1] - 1879:14 speaks ^[1] - 1881:9 specificity ^[1] - 1884:20 Stargatt ^[1] - 1880:2 STATES ^[1] - 1879:1 stay ^[1] - 1884:15 sufficient ^[1] - 1884:20 system ^[1] - 1882:2	validity ^[1] - 1882:10 VAN ^[2] - 1880:3, 1883:5 VERDICT ^[1] - 1879:12 verdict ^[18] - 1881:2, 1881:10, 1881:12, 1881:18, 1881:20, 1882:24, 1883:1, 1883:8, 1883:11, 1883:14, 1883:17, 1883:20, 1883:23, 1884:1, 1884:4, 1884:7, 1884:17 Verdict ^[1] - 1881:14 VOGEL ^[1] - 1880:4	
ladies ^[4] - 1881:7, 1881:17, 1882:24, 1884:8 LIFESCIENCES ^[2] - 1879:4, 1879:4 listen ^[2] - 1881:17, 1881:22 literally ^[1] - 1882:2 LLC ^[1] - 1879:4 LLP ^[4] - 1879:17, 1879:20, 1880:2, 1880:6 lost ^[3] - 1882:16, 1882:17, 1882:20	p.m ^[3] - 1879:11, 1881:6, 1884:12 parties ^[3] - 1881:19, 1881:24, 1884:8 party ^[1] - 1883:3 pass ^[1] - 1881:10 passed ^[2] - 1881:14, 1881:16 passes ^[1] - 1881:12 patent ^[6] - 1881:25, 1882:3, 1882:5, 1882:7, 1882:10, 1882:12 Paul ^[1] - 1879:20 Pause ^[1] - 1881:15 Plaintiffs ^[2] - 1879:5, 1879:22 polled ^[3] - 1881:19, 1883:4, 1884:6 portion ^[1] - 1882:16 post ^[1] - 1884:17 post-verdict ^[1] - 1884:17 preponderance ^[2] - 1882:1, 1882:15 presented ^[1] - 1881:24	T	W	
M		Taylor ^[1] - 1880:2 ten ^[1] - 1884:22 THE ^[10] - 1879:1, 1879:2, 1881:1, 1881:7, 1881:17,	wait ^[1] - 1881:5 WALKER ^[9] - 1881:23, 1883:7, 1883:10, 1883:13, 1883:16, 1883:19, 1883:22, 1883:25, 1884:3 Walker ^[6] - 1881:3, 1881:11, 1881:13, 1881:16, 1882:23, 1883:6 WEIL ^[1] - 1880:4 Weiss ^[1] - 1879:20 Wharton ^[1] - 1879:20 willful ^[2] - 1882:5, 1882:8 Wilmington ^[1] - 1879:10 wish ^[2] - 1883:3,	
Martens ^[1] - 1880:6 matters ^[1] - 1884:19 Maurer ^[1] - 1885:6				